

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

TIMOTHEES STANFORD,)
)
Petitioner,) CAUSE NO. 3:07-CV-463 JM
vs.)
)
STATE OF INDIANA,)
)
Respondent.)

OPINION AND ORDER

Timothes Stanford, a *pro se* prisoner, initiated this case seeking a writ of mandamus ordering the St. Joseph Superior Court to rule on his post-conviction relief petition which has been pending since December 23, 1999 in cause number 71D08-9505-CF-00218. This court does not have the jurisdiction to issue such a writ against a state court. *See In re Campbell*, 264 F.3d 730, 731 (7th Cir. 2001) ("[W]e cannot . . . use our power to control or interfere with state court litigation, thus exceeding our jurisdiction.")

This petition seeks a writ of mandamus, not a writ of habeas corpus. This petition cannot be converted into a writ of habeas corpus, if for no other reason, because it does not provide a complete basis for claiming habeas relief. Nevertheless, Stanford could file a separate habeas corpus petition in this court under a different cause number because, "[i]nordinate, unjustifiable delay in a state-court collateral proceeding excuses the requirement of petitioners to exhaust their state-court remedies before seeking federal habeas corpus relief." *Jackson v. Duckworth*, 112 F.3d 878 (7th Cir. 1997).

Finally, if he would rather complete the state post-conviction relief process first,

We note in closing, for Campbell's guidance (since he is unrepresented), that he can ask the [Indiana] Appellate Court[s] to issue under the authority of [Indiana] state law a writ of mandamus directing the state trial court . . .

Id at 732. For the foregoing reasons, the Writ is **DENIED** and this case is **DISMISSED**.

SO ORDERED.

ENTER: October 4, 2007

s/ James T. Moody
JUDGE JAMES T. MOODY
UNITED STATES DISTRICT COURT